

# **Hate Crimes**

## **Abstract**

The author of this thesis discusses the issue of hate crimes according to the Act No. 40/2009 Coll., The Criminal Code, as amended, and related case law. The thesis is divided into several parts. The first part is devoted to the definition of hate crime and related terms such as extremism, prejudice, race, anti-Semitism, nationalism and xenophobia. These concepts are important for the following interpretation and for the understanding of the existence of special protection in the context of hate crimes. The second part is devoted to the international regulation of hate crimes. Emphasis is placed on the analysis of the case law of the European Court of Human Rights. The third and fundamental part of this master thesis analyzes hate crimes in the Czech Republic in the context of settled and current case law. In addition, examples of statements fulfilling the facts of individual crimes from practice are given. The fourth part analyzes the basic issues of hate speech and hate crimes in the United States legislation and case law. It also includes comparison of individual approaches with ideas of possible inspiration. The fifth part is devoted to reflections *de lege ferenda* on the topic, especially with regard to different concepts in the Czech Republic and the United States. The last part deals with current issues of extremism and prejudice, changes in the structure of this scene, media spreading prejudice and the activities of the Ministry of the Interior and the Supreme Public Prosecutor's Office in this area. The aim of the thesis is to describe the criminal law limits of hate speech and conduct in the Czech legislation in comparison with the approach of the United States in the field of freedom of speech and hate crimes and the case law of the European Court of Human Rights.

**Key words:** Hate crimes, The Criminal Code, freedom of speech, racism, xenophobia, crimes in cyberspace